

REMARKS

Claims 8, 10-13, and 17-20 are pending in the application. Claims 8 and 17 are independent. By the foregoing Amendment, Applicant seeks to cancel claims 1-7, 9, and 14-16 and to amend claims 8 and 17. It is believed that these changes introduce no new matter and their entry is respectfully requested.

Rejection of Claims 1-4 Under 35 U.S.C. §102(e)

In the Office Action, the Examiner rejected claims 1-4 and 8-9 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0028099 A1 to Hongo et al. ("*Hongo*"). Applicant respectfully traverses the rejection.

A claim is anticipated only if each and every element of the claim is found, either expressly or inherently, in a reference. (MPEP §2131 citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987)). The identical invention must be shown in as complete detail as is contained in the claim. Id. citing *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226,1236 (Fed. Cir. 1989)).

By the foregoing Amendment, Applicant seeks to cancel claims 1-4 rendering the rejection to them moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 1-4.

Rejection of Claims 5-7 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 5-7 as unpatentable over *Hongo* in view of U.S. Patent No. 5,812,582 to Gilliland et al. (hereinafter "*Gilliland*"). Applicant respectfully traverses the rejection.

To establish a *prima facie* case of obviousness, an Examiner must show that that there is some suggestion or motivation to modify a reference to arrive at the claimed invention, that there is some expectation of success, and that the cited reference teaches each and every element of the claimed invention. (MPEP §2143.)

By the foregoing Amendment, Applicant seeks to cancel claims 5-7 rendering the rejection to them moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 5-7.

Rejection of Claims 14-16 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 14-16 as unpatentable over U.S. Patent No. 6,621,621 to Jones et al. (hereinafter "*Jones*") in view of *Hongo*. Applicant respectfully traverses the rejection.

By the foregoing Amendment, Applicant seeks to cancel claims 14-16 rendering the rejection to them moot. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 14-16.

Rejection of Claims 8-9 and 11 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 8-9 and 11 as unpatentable over U.S. Patent No. 4,876,442 to Fukushima (hereinafter "*Fukushima*" in view of U.S. Patent No. 5,519,720 to Hirano (hereinafter "*Hirano*"). Applicant respectfully traverses the rejection.

By the foregoing amendment, Independent claim 8 recites in pertinent part "a thermistor having a first terminal coupled to the first terminal of the first resistor and a second terminal ***connected*** to the second terminal of the first resistor; and a second resistor having a first terminal and a second terminal, the first terminal coupled to the second terminal of the first resistor and ***connected to*** the second terminal of the thermistor" (emphasis added). Support for these changes according to at least one embodiment can be found in Applicant's Figure 3.

Applicant respectfully submits that the thermistor 50 in *Fukushima* does not have its first terminal coupled to the first terminal of the (first) resistor 52 and its second terminal ***directly connected*** to the second terminal of the (first) resistor 52. To the contrary, the second terminal of the thermistor 50 in *Fukushima* is coupled to one terminal of the resistor 51 and to one terminal of the resistor 62. Applicant respectfully submits further that *Fukushima* does not have a (second) resistor 51 having a first terminal coupled to the second terminal of the (first) resistor

(52) and *connected to* the second terminal of the thermistor 50. Thus, Applicant respectfully submits that *Fukushima* is not properly applied to the claimed invention. Moreover, Applicant respectfully submits that *Hirano* fails to make up for the deficiencies in *Fukushima*. For example, *Hirano* discloses *no circuitry at all* for maintaining the ratio of monitor photodiode current to fiber coupled light in a laser. Applicant respectfully submits therefore that the Examiner has failed to make out a *prima facie* case of obviousness using *Fukushima* in view of *Hirano*. Applicant respectfully submits therefore that claim 8 is patentable over *Fukushima* in view of *Hirano*.

By the foregoing Amendment, Applicant seeks to cancel claim 9 rendering the rejection to it moot. Claim 11 properly depends from claim 8 which Applicant submits is patentable. Accordingly, Applicant respectfully submits that claim 11 is patentable for at least the same reason that claim 8 is patentable. See MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 8-9 and 11.

Rejection of Claim 10 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 10 as unpatentable over *Fukushima* in view of *Hirano* in view of U.S. Patent No. 5,383,208 to Queniat et al. (hereinafter "*Queniat*").

~~Applicant respectfully traverses the rejection.~~

Claim 10 properly depends from claim 8 and as such is patentable for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 10.

Rejection of Claim 12 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 12 as unpatentable over *Fukushima* in view of *Hirano* in view of *Queniat* in further view of U.S. Patent No. 6,055,251 to Ouchi et al. (hereinafter "*Ouchi*"). Applicant respectfully traverses the rejection.

Claim 12 properly depends from claim 8 and as such is patentable for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 12.

Rejection of Claim 13 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claim 13 as unpatentable over *Fukushima* in view of *Hirano* in view of *Queniat* in further view of U.S. Patent No. 6,327,277 to Killian (hereinafter "*Killian*"). Applicant respectfully traverses the rejection.

Claim 13 properly depends from claim 8 and as such is patentable record for at least the same reasons that claim 8 is patentable. Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claim 13.

Rejection of Claims 17-20 Under 35 U.S.C. §103(a)

In the Office Action, the Examiner rejected claims 17-20 as unpatentable over *Fukushima* in view of *Queniat* in further view of *Gilliland*. Applicant respectfully traverses the rejection.

Independent claim 17 recites in pertinent part "a first resistor having a first node coupled to a second node of the photodiode; a *thermistor* having a first node coupled to the first node of the first resistor and a ~~second node connected to the second node of the photodiode~~" (emphasis added). Support for these changes according to at least one embodiment can be found in Applicant's Specification at Figure 3.

Applicant respectfully submits that *Fukushima* in view of *Queniat* in further view of *Gilliland* fails to teach or fairly suggest each and every element of claim 17. For example, *Fukushima* in view of *Queniat* in further view of *Gilliland* fails to teach or fairly suggest "a first resistor having a first node coupled to a second node of the photodiode; a thermistor having a first node coupled to the first node of the first resistor and a second node connected to the second node of the photodiode" as recited in claim 17. Applicant respectfully submits that the thermistor 50 in *Fukushima* does not have a first node coupled to a first node of the (first) resistor 52 and a second node *connected* to the second node of the photodiode 4. To the contrary, the second

terminal of the thermistor 50 in *Fukushima* is coupled to one terminal of the resistor 51 and to one terminal of the resistor 62. Thus, Applicant respectfully submits that *Fukushima* is not properly applied to the claimed invention. Moreover, Applicant respectfully submits that *Queniat* in further view of *Gilliland* fails to make up for the deficiencies in *Fukushima*. For example, the circuitry in *Queniat* is not connected in the same manner as that recited in claim 17. Also, *Gilliland* discloses **no circuitry at all** for maintaining the ratio of monitor photodiode current to fiber coupled light in a laser. Because *Fukushima* in view of *Queniat* in further view of *Gilliland* fails to teach or fairly suggest at least these elements of claim 17, Applicant respectfully submits that *Fukushima* in view of *Queniat* in further view of *Gilliland* fails to teach or fairly suggest fails to render claim 17 obvious and thus claim 17 is patentable over *Fukushima* in view of *Queniat* in further view of *Gilliland*.

Claims 18-20 properly depend from claim 17 which Applicant submits is patentable. Accordingly, Applicant respectfully submits that claims 18-20 are patentable for at least the same reason that claim 17 is patentable. See MPEP §2143.03 (citing *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)). Accordingly, Applicant respectfully requests that the Examiner reconsider and remove the rejection to claims 17-20.

CONCLUSION

Applicant submits that all grounds for rejection have been properly traversed, accommodated, or rendered moot, and that the application is now in condition for allowance. The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

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